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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,434	02/12/2001	Pumendu K. Dasgupta	DasguptaD-0268A	8138
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EXAMINER				
SODERQUIST, ARLEN				
ART UNIT PAPER NUMBER				
1743				

DATE MAILED: 11/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/780,434

Applicant(s)

DASGUPTA ET AL.

Examiner

Arlen Soderquist

Art Unit

1743

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

ARLEN SODERQUIST
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: of the reasons of record and the following comments. First the argument relative to the economy of titrant volume is not commensurate in scope with the claim which is volume and time independent. Additionally in this respect, the three seconds given in the argument is the very best example found in instant table 1 which shows a clear variation depending on the type of reactor and the positioning of the detector in the last three columns of the table. Also these results are for an optical detector which has a faster response than the electrode type detector used in the Nagy reference. Paragraph 58 of the instant specification teaches in the last sentence that using an electrode type detector requires less than 15 seconds. When this is compared with the 200 analyses/hour that is the maximal rate for the Nagy reference (column 6, lines 36-37) requiring 18 seconds per analysis the purported advantage is almost none existent. Further if the titration follows the special circumstances described in column 6, lines 4-19 in which the titrant flow is started from other than zero, the purported titration time difference potentially goes away or even changes such that the titration time of Nagy is less than the instant titration time. Relative to the argued difference in titrant volume, it is noted that the total flow rate in the Nagy reference, 5-10 ml/min, is only about 2.6-5.3 times greater than the flow rate of the instant application -- 1.9 ml/min. Thus even if the flow rates and volumes were incorporated into the claim, the titrant savings is a far cry from the 200-400 times that is alledged by applicant.

Relative to the combination of references examiner notes that the Nagy reference uses a flow reversal in that the titrant flow rate changes using an isosoles triangle pattern (column 5, lines 47-62) to produce two titration curves. The Lopez Garcia reference shows that this is because the titrant concentration overshoots the equivalence point in both directions. The Nagy reference also teaches a programed control of the titrant flow rate with a direct feed back being involved. Since the manner in which this feedback is used is not clearly taught, one of skill in the art would have recognized that feedback has been used to control the titrant flow based on a detector signal, the Becket reference. Since the manner in which the titrant is changed is taught by Nagy, the Becket reference would have shown that the detector signal can be used to control the Nagy flow rate program based on appropriate changes in the signal. Thus the Becket reference does not change the Nagy method of titrant flow, but teaches that the detector signal can be used to control it through a feedback manner. Also along these lines applicant is directed to In re Sneed 218 USPQ 385, 389 (Fed. Cir. 1983) and In re Keller 208 USPQ 871, 880 (CCPA 1981) showing that a secondary reference does not need to be physically combinable with the primary reference to render the invention under review obvious. Regarding the motivation to combine, there is ample motivation in each reference to show the benefit of making the proposed substitution or change.